

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

William J. Carey

v.

Civil No. 05-cv-274-PB

Hillsborough County
Department of Corrections

O R D E R

Pro se plaintiff William J. Carey has filed a complaint, pursuant to 42 U.S.C. § 1983, alleging various violations under the First, Eighth and Fourteenth Amendments to the United States Constitution and New Hampshire state law (document nos. 1, 6, 8 and 10). Named as defendants are the Hillsborough County Department of Corrections ("HCDOC") and three of its officers and employees: Superintendent James O'Mara, Dr. Ward and Corrections Officer Kenyan. The complaint is before me for preliminary review to determine whether, among other things, it states a claim upon which relief may be granted. See 28 U.S.C. § 1915A; U.S. District Court for the District of New Hampshire Local Rule ("LR") 4.3(d)(2).

For the reasons stated in the report and recommendation issued simultaneously herewith, I find that Carey has stated an

Eighth Amendment denial of adequate dental care claim, and a related state law negligence claim, against the unnamed HCDOC dentist. I further find that he has stated Eighth Amendment failure to protect claims against the HCDOC and O'Mara. I recommend dismissal of all remaining claims.

Accordingly, I order that the complaint be served on the defendants. As plaintiff has filed the necessary summons forms with regard to defendants HCDOC and O'Mara, I order that the complaint be served on those defendants. The Clerk's office is directed to issue the necessary summons forms and forward to the United States Marshal for the District of New Hampshire (the "U.S. Marshal's office") the summonses, copies of the complaint (document nos. 1, 6, 8 & 10), the report and recommendation and this order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall effect service upon defendants. See Fed. R. Civ. P. 4(c)(2).

Defendants are instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendants by delivering or mailing the materials to them or

their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: November 22, 2005

cc: William J. Carey, *pro se*